

Customer No. 24498
Internal Docket No. RCA88813
Office Action Date: April 30, 2008

Remarks/Arguments

Claims 1-5, 7-10 and 12-17 are pending in this application, and are rejected in the Office Action of April 30, 2008. Claims 1, 10 and 14 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as their invention. No new matter is believed to be introduced by these amendments.

Re: Rejection of Claim 8 under 35 U.S.C. §112, First Paragraph

Claim 8 is rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner alleges that the specification does not disclose "updating an entitlement database on said integrated circuit card after the entitlement is used to download said selected content" as recited by claim 8. Applicants respectfully traverse this rejection for at least the following reasons.

Steps 240 and 250 of FIG. 2 are performed to confirm that the "integrated circuit card" contains a correct and non-expired entitlement. Once these two conditions are confirmed, a user is then allowed to use the entitlement at step 270 by indicating his/her desire to download a desired application. From step 270, process flow may ultimately advance to step 320 where the entitlement used at step 270 is deducted from the "entitlement database on said integrated circuit card". This deduction of the entitlement from the "entitlement database on said integrated circuit card" at step 320 inherently represents an "update" to the "entitlement database". Accordingly, Applicants submit that the specification does in fact disclose, at step 320 of FIG. 2, the step of "updating an entitlement database on said integrated circuit card after the entitlement is used to download said selected content" as recited by claim 8. In view of this clarification, withdrawal of the rejection is respectfully requested.

Re: Rejection of Claims 1-5, 7-10 and 12-17 under 35 U.S.C. §102(e)

Claims 1-5, 7-10 and 12-17 remain rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,233,683 issued to Chan et al. (hereinafter,

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"Chan"). Applicants respectfully traverse this rejection for at least the following reasons.

As mentioned in Applicants' previous responses, a notable feature of the claimed invention is that the downloaded content is stored in a memory of an apparatus that is spaced apart from an integrated circuit card which is received into the apparatus. By contrast, Chan discloses a system, implemented in software on a smart card (i.e., integrated circuit card), which enables the downloading of new applications directly onto the smart card itself (see, for example, column 5, lines 25-28), not to a memory that is separate and spaced apart from the integrated circuit card, as claimed. Accordingly, for this reason alone, Applicants submit that independent claims 1, 10 and 14 (and their respective dependent claims) are patentably distinguishable over Chan.

Furthermore, Applicants respectfully submit that the Examiner continues to misapply the teachings of Chan with respect to the recited limitation of "entitlement information" to justify the rejection under 35 U.S.C. §102(e). The Examiner appears to maintain that the signature used in the apparatus of Chan for verifying the validity and integrity of the application corresponds to the entitlement contained in the integrated circuit card.

As discussed in detail in Applicants' previous responses, Applicants respectfully submit that a signature used for verifying the validity and integrity of the application is entirely distinguishable from entitlement information which is used to verify that a particular user is entitled to receive and use the downloaded content. Applicants submit that those skilled in the art would readily recognize this distinction, wherein a signature is directed to verifying the application that is received from another party, whereas the entitlement information is directed to verifying that a particular user may download and use the information. A signature does not provide any information as to whether a particular user is entitled to download and use a selected content. Similarly, the entitlement information does not provide any information as to the veracity of the source or the integrity of a particular received application.

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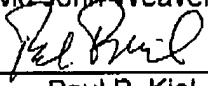
However, in order to advance the prosecution and further distinguish the claimed invention over Chan, independent claims 1, 10 and 14 are amended herein, as suggested by the examiner, to specify that the entitlement information represents a future right to download and use the selected content (see page 4, lines 16-23 of Applicants' specification). This type of information is clearly distinguishable from a signature that is used to verify the validity and integrity of downloaded applications as mentioned in Chan.

In view of the above, Applicants respectfully submit that Chan fails to disclose or suggest each and every limitation of independent claims 1, 10 and 14, and as such, these claims, and the claims that depend therefrom, are not anticipated by Chan. As such, withdrawal of the rejection is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejection it is believed that, in view of the preceding amendments and remarks/arguments, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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